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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,103	11/27/2001	Noriyuki Yoshigahara	1232-4788	9388

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NEW YORK, NY 10281-2101

EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,103

Applicant(s)

YOSHIGAHARA, NORIYUKI

Examiner

Gims S. Philippe

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment received January 13th, 2005, in which claims 1-12 were amended, claim 13 was canceled, and claim 14 was added, has been fully considered and entered, but the arguments are not persuasive.

Note: The examiner acknowledges the limitations added to the independent claims, however, it is the examiner's position that the prior art of record does meet the additional limitations.

The rejection is repeated below for the sake of completeness and to correlate with the added limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7, 9, 11-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyce et al. (US Patent no. 5805762).

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As per claims 1, and 11-12, and 14, Boyce discloses a decoding method, processing program and apparatus comprising inputting means for inputting a plurality kinds of encoded streams separated from compressed streaming including encoded image data (See Boyce col. 15, lines 44-60, and col. 17, lines 20-22), setting means for adaptively setting priority of each of the plurality of encoded streams inputted by said inputting means (See Boyce col.16, lines 36-46, lines 59-67 and col. 17, lines 1-5), wherein the setting means is capable of changing the priority set as each of the plurality of encoded streams (See fig. 9A, item 212, col. 34, lines 23-33), and decoding means for decoding said plurality of encoded streams by decoding processing that is weighted according to the priority set by the setting means (See Boyce col. 33, lines 28-42, col. 34, lines 42-61).

As per claim 3, Boyce further determines priority according to an instruction of a user (See Boyce col. 51, lines 58-64).

As per claim 4, Boyce provides image data to which orthogonal transform processing, quantization processing and encoding are applied (See Boyce col. 13, lines 24-29, and col. 7, lines 29-35).

As per claims 6-7, Boyce encodes according to MPEG-1, and MPEG-2 (See Boyce col. 9, lines 55-62).

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As per claim 9, Boyce suggests the claimed display means in col. 1, lines 19-23).

As per claim 5, the priority decoder being an MPEG decoder does contain an inverse orthogonal transform unit and since error concealment is being performed by the priority decoder, inserting zero in the remaining orthogonal transform coefficients is considered an inherent step in the error concealment unit (See col. 34, lines 42-66).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce (US Patent no. 5,805,762) in view of Hiroi (US Patent no. 6,384,846).

Regarding claim 3, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that Boyce is silent about determining the priority according to a display size for displaying the image data as claimed.

Hiroi discloses a priority decoding method and apparatus including the step of determining the priority according to a display size for displaying the image data (See Hiroi's Abstract, and col. 6, lines 33-50).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Boyce proposed display by incorporating Hiroi's step of determining the priority according to a display size for displaying the image data. The motivation for performing such a modification in Boyce is to determine which one of a plurality of images should be given rendering priority when multiple images are being rendered for display on a single screen as taught by Hiroi (See Hiroi col. 1, lines 44-52, and col. 2, lines 15-27).

As per claim 8, while Boyce is silent about encoding according to JPEG, Hiroi, however, discloses such step in col. 3, lines 57-65. Therefore, it is considered obvious that one skilled in the art at the time of the invention to be motivated to incorporate the teachings of Hiroi into Boyce encoding apparatus to show the JPEG encoding. The motivation for such modification is be flexible in performing still image encoding as well as moving image encoding.

As per claim 10, Boyce is silent about first decoding all the data and for decoding only part of data as claimed in claim 10.

Hiroi, however, discloses first decoding all the data and then decoding only part of data in col. 4, lines 5-14, and in col. 5, lines 10-29.

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Boyce by incorporating Hiroi's teachings of first decoding all the data and then decoding only part of data. The motivation for such a modification is to be able to display image based on availability of the monitor/display device (See col. 5, lines 14-24).

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

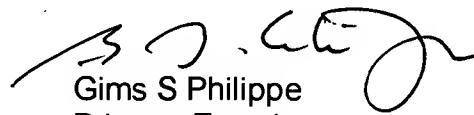
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

June 9, 2005